

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.7092 OF 2004

Mr.Bhor for the BMC.

Mr.A.L.Patki for Respondents.

Office Notes, Office
Memoranda of Coram,
appearances, Court's
order or directions

Court's or Judge's
orders

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CORAM: D.K.DESHMUKH, J.

DATED: 6TH JULY, 2005

P.C.:

The suit was filed before the amendments in the Civil Procedure Code fixing time to file written statement came into force. But the amendments came into force on 1-7-2002 and therefore, the Petitioner should have filed the written statement within 90 days from 1-7-2002. As a result of the judgment of the Supreme Court, now the law is settled that unless there is an exceptional circumstance, written statement after a period of 90 days cannot be taken on record.

Except for saying that the amended provisions will not apply, no circumstances are brought on record for not filing the written statement within the period of 90 days. Petition is, therefore, rejected.

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